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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 WILLIAM WARREN BOOTH,

Case No. 3:17-cv-00600-MMD-WGC

10 Plaintiff,

ORDER

11 v.

12 LAKES CROSSING CENTER *et al.*,

13 Defendants.

14 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by  
15 a county inmate. On October 6, 2017, this Court issued an order directing Plaintiff to file  
16 a certified copy of his trust fund account statement within thirty (30) days. (ECF No. 3 at  
17 1.) The thirty-day period has now expired, and Plaintiff has not filed a certified copy of  
18 his trust fund account statement or otherwise responded to the Court's order.<sup>1</sup>

19 District courts have the inherent power to control their dockets and "[i]n the  
20 exercise of that power, they may impose sanctions including, where appropriate . . .  
21 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829,  
22 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's  
23 failure to prosecute an action, failure to obey a court order, or failure to comply with  
24 local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for  
25 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.  
26 1992) (dismissal for failure to comply with an order requiring amendment of complaint);

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28 <sup>1</sup>The order was returned to the Court as undeliverable. (ECF No. 4.) Plaintiff has failed to notify the Court of any change in his mailing address as required under LR IA 3-1.

1 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply  
2 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*  
3 *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply  
4 with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal  
5 for lack of prosecution and failure to comply with local rules).

6 In determining whether to dismiss an action for lack of prosecution, failure to  
7 obey a court order, or failure to comply with local rules, the court must consider several  
8 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need  
9 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
10 favoring disposition of cases on their merits; and (5) the availability of less drastic  
11 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,  
12 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.


13 In the instant case, the Court finds that the first two factors, the public's interest in  
14 expeditiously resolving this litigation and the Court's interest in managing the docket,  
15 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
16 in favor of dismissal, since a presumption of injury arises from the occurrence of  
17 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.  
18 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public  
19 policy favoring disposition of cases on their merits – is greatly outweighed by the factors  
20 in favor of dismissal discussed herein. Finally, a court's warning to a party that his  
21 failure to obey the court's order will result in dismissal satisfies the "consideration of  
22 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;  
23 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file a certified copy  
24 of his trust fund account statement expressly stated: "Plaintiff has thirty (30) days from  
25 the date of this Order to do so, or his action may be dismissed." (ECF No. 3 at 1.) Thus,  
26 Plaintiff had adequate warning that dismissal would result from his noncompliance with  
27 the Court's order to file a certified copy of his trust fund account statement within thirty  
28 (30) days.

1 It is therefore ordered that this action is dismissed without prejudice based on  
2 Plaintiff's failure to file a certified copy of his trust fund account statement in compliance  
3 with this Court's October 6, 2017, order.

4 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
5 is denied as moot.

6 It is further ordered that the Clerk of Court enter judgment accordingly.

7 DATED THIS 14<sup>th</sup> day of November 2017.

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12 MIRANDA M. DU  
13 UNITED STATES DISTRICT JUDGE  
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